

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6304

ROBERT LEE WALSH,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA; DISTRICT COURT, Clerk of
Charleston Division; MILDRED L. RIVERA, Warden FCI Estill,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Richard M. Gergel, District Judge.
(8:10-cv-00085-RMG)

Submitted: October 18, 2011

Decided: November 10, 2011

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Robert Lee Walsh, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Lee Walsh seeks to appeal the district court's order adopting the magistrate judge's recommendation to deny his 28 U.S.C. § 2241 (2006) petition. We previously remanded to the district court with instructions for the district court to determine whether Walsh can satisfy the requirements of Fed. R. App. P. 4(a)(6). Because the district court's docket revealed that the court served notice of its order denying Walsh § 2241 relief on October 28, 2010, and the mail was not returned to the district court, the district court found that Walsh could not satisfy the conditions of Rule 4(a)(6)(A). Accordingly, the district court denied the motion to reopen the appeal period.

Because Walsh's filings with this court suggest that he did not receive notice of the district court's dismissal order within at least the first month after it was entered on the district court's docket, we again remand the matter to the district court for a determination as to whether Walsh is entitled to a reopening of the appeal period. On remand, the district court shall afford the parties an opportunity to submit additional information to assist it in determining whether Walsh is entitled to have the appeal period reopened. The record, as

supplemented, shall then be returned to this court for further consideration.*

REMANDED

* By this disposition, we intimate no view as to whether Walsh is entitled to a reopening of the appeal period.